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May 28, 2025

The Honorable Jamal N. Whitehead
United States District Court Judge
United States Courthouse
700 Stewart Street, Suite 16128
Seattle, Washington 98101-9906

VIA ECF

Re: **Valve Corp. v. Leigh Rothschild et al., Civil Action No. 2:23-cv-1016 (W.D. Wash.)**

M&G: 19680.0001usza

Dear Judge Whitehead,

I am counsel for Defendants in the above referenced matter. I write to respectfully request clarification relating to the Court's Order of May 23, 2025 (Dkt. 86). In that Order, the Court extended the deadline for Defendants to respond to Plaintiff's Motion to Compel to July 7, 2025, and the deadline for Plaintiff to file its reply to July 14, 2025. (*Id.*) The Order further stated that this extension would "allow the Court to resolve Defense Counsel's Motion to Withdraw." (*Id.*) Specifically, we respectfully seek clarification regarding: (1) whether the Court intends for the June 25, 2025 fact discovery cut-off to remain in place; and (2) whether the Court intends for briefing on Plaintiff's newly filed Motion for Judgment on the Pleadings to proceed with the deadlines provided in LCR 7(d).

At present, the fact discovery cut-off is June 25, 2025. (Dkt. 61 at 2.) Maintaining that cut-off date, which will pass while Plaintiff's Motion to Compel is still in the briefing stage, runs the risk of creating inefficiencies and undermining judicial economy. For instance, if the Parties complete depositions before the June 25 cut-off date and Plaintiff prevails on its Motion to Compel, additional materials Plaintiff receives may result in Plaintiff wanting to depose individuals and corporate representatives for a second time, inconveniencing fact witnesses and increasing litigation costs.

Separately, Plaintiff filed a Rule 12(c) motion on May 23, 2025. Defendants' Opposition to that Motion is due on June 6, 2025. Defense Counsel's Motion to Withdraw will be fully briefed on or before June 3, 2025. Given the present deadline for Defendants' Opposition to Plaintiff's Rule 12(c) motion, however, Defendants will be required to begin work on that briefing before the Motion to Withdraw is

fully briefed and before the withdrawal issue is resolved. Insofar as the intent of the Court's May 23 Order is to postpone briefing on important issues relating to this case until the Court can address Defense Counsel's Motion to Withdraw, counsel for Defendants seeks guidance regarding whether Defendants' June 6 deadline will be extended in a manner similar to the extensions the Court ordered for briefing on Plaintiff's Motion to Compel.

Counsel for Defendants contacted counsel for Plaintiff, notifying Plaintiff's counsel of our intention to file this letter and inviting Plaintiff to join. Plaintiff has declined to join in this letter.

We appreciate your attention to this matter. If the Court would like to discuss this matter further, we are available for a phone or video conference at the Court's convenience.

Very truly yours,
/s/Donald R. McPhail
Donald R. McPhail